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SUBJECT: Ambassador Brokered Historic First Step in Dialogue Between
Military and Human Rights Leaders in Guatemala

REF: A) 09 GUATEMALA 1023; B) 09 GUATEMALA 222

CLASSIFIED BY: Stephen G. McFarland, Ambassador, STATE, POL/ECON;
REASON: 1.4(B), (D)

11. (C) SUMMARY: Guatemalan MOD officials exchanged views,
November 23, during a first of

its kind breakfast the Ambassador hosted in honor of visiting
SouthCom Military Deputy Commander Lt. Gen. Ken Keen. The meeting,
designed to stimulate dialogue between the mutually distrustful
groups, was the first such meeting since the end of the 1960-1996
civil conflict. Participants focused on Guatemala's critical
security situation, brought out divergent viewpoints and provided a
neutral forum for these groups to have a frank exchange of ideas.
Human rights leaders strongly maintained that the military needs to
police itself better and ensure that military personnel are
investigated and prosecuted for past crimes. Minister of Defense
Abraham Valenzuela acknowledged that the military is not perfect
but claimed that prosecuting military personnel falls under the
purview of civil authorities; he asserted he would improve
cooperation with civilian investigations. Post intends to build on
the momentum of this initial meeting to promote further engagement
between the military and human rights leaders in Guatemala. End
Summary.

12. (C) On November 23, the Ambassador hosted a breakfast
meeting between the top three

Ministry of Defense (MOD) officials and various human rights
activists in Guatemala. The meeting, organized in honor of
SouthCom's Military Deputy Commander Lieutenant General Ken Keen's
visit to Guatemala, brought these key individuals together to
discuss the role of the military in Guatemalan security.

13. (C) Human rights leaders noted that security in Guatemala
falls within the purview of the

police and should be carried out by them. However, Deputy Chief of
National Defense Brigadier General Anibal Flores Espana noted that
the military currently has a greater capacity than police to
provide security. Also, due to the nature of the threats from
gangs, narcotraffickers and other organized crime, all institutions
from police, prosecutors, and the military need to work together to
resolve these problems. Flores Espana asserted that the Guatemalan
military today is a different military than it was in the past.
(Note: The Guatemalan military maintains peacekeepers in Haiti and
the Democratic Republic of the Congo. Also, there have been no
allegations of gross human rights violations since the signing of

the Peace Accords in 1996. End Note.)

¶4. (C) Human rights advocate Helen Mack, of the Myrna Mack Foundation, argued that the

attitude of the military must change so that military officials do not feel that they are above the law. She openly questioned why allegations of corrupt military officials (both retired and active duty) never seem to lead to investigations or convictions. (Note: Guatemala's judicial system is extremely weak. In 2008, of 94,082 criminal proceedings, only 3.75% resulted in convictions. However, a retired colonel was recently sentenced to 53 years in prison for directly participating in war crimes (Ref A). End Note.) She advocated for an internal cleaning of the military as a show of good faith and a demonstration of the military's commitment to rooting out corruption among their own.

¶5. (C) Minister of Defense Abraham Valenzuela responded that prosecution of military officials

falls to civil authorities and it is up to the Public Ministry to pursue these cases; he also acknowledged that corrupt officers are a source of shame for the military although he relies on the justice sector to do its job and punish these individuals. The Guatemalan Constitution and other Guatemalan laws do not appear to provide the Minister with any authorities over retired military

personnel. A common theme emanating from human rights leaders was the need for the military to come clean and police their own, including cooperating with prosecutors to ensure they have access to all necessary information to prosecute retired or active duty military personnel for crimes.

¶6. (C) The Ambassador agreed that an internal house-cleaning sends an important signal to the

public that impunity will not be tolerated. He also repeated the USG interest in the MOD's complying with the judicial request of military operational plans from the internal conflict. Human rights activist Mario Minera of the NGO Center for Legal Action on Human Rights (CALDH) cited the fact that the military has failed to comply with a Constitutional Court order requiring it to turn over four 1980s-era military plans (Ref B). The MOD has only presented two plans to the court thus far. Minera also alleged that the MOD is protecting its own by providing MOD lawyers to represent retired military officers for various crimes they are accused of committing. The Minister of Defense said he was unaware that MOD lawyers had been detailed for this purpose and invited Minera to forward any relevant information and continue the discussion. Minera subsequently passed to PolOff additional information about this case taken from a government website. (Note: Post reviewed Minera's information and it appears he was mistaken about who these lawyers represent. The information indicates the lawyers represent the Minister of Defense in his capacity as an interested third-party defendant. End Note.) Post intends to wait for Minera to forward this information to the MOD (as he said he would) and review the Minister's reply before broaching this topic with him.

¶7. (C) Visiting LTG Keen closed the breakfast by noting that transparency and respect for

human rights are fundamental elements of any military and military personnel must know there will be consequences for their actions.

¶8. (S) DAO Comment: A professional military - which Guatemala's purports to be - must

police itself. This capacity appears to be lacking in several instances in the Guatemalan Armed Forces. Helen Mack's moralistic argument, however, makes no distinction between active and former military personnel. Unless they are "cowards," she fully expects the Ministry of Defense to exert de facto influence presumably over current and former members to begin pushing the latter who are suspected of crimes through an otherwise ineffective judicial system. The Guatemalan military's legalistic position is that since there is no de jure basis and since it can and will only act within the law, it cannot and should not be expected to exert influence or control over former military members.

¶9. (S) DAO Comment, Continued: To illustrate, a former Guatemalan Army colonel was

recently convicted for the forced disappearance of eight civilians during the internal armed conflict, members of a military veterans' association took pictures of those present at the trial (Ref A). When DAO discussed this act with a senior Ministry of Defense official, the response was that while it was clearly a gross and stupid act of intimidation, it is not illegal to take pictures inside a courtroom. Consequently, the Ministry of Defense cannot and should not be expected to punish that act or prevent future similar acts.

¶10. (C) Comment: The participation of Guatemala's three top military officials is an extremely

positive sign. As one guest noted, "this event would not have been possible even a few years ago." It represents an important first step, brokered by the Ambassador, to breach the chasm between the

Guatemalan military and human rights groups. While the internal conflict was not raised directly, the sense from many of the human rights leaders was that the military has largely managed to escape criminal consequences for its role during the internal conflict and that perpetuates a culture of impunity that must be rectified. Post received positive feedback from both MOD officials and human rights activists about the meeting and intends to build on this momentum to foster continued dialogue. End Comment.
MCFARLAND